IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928
WP(C).No. 8877 of 2007(F)

OS.397/2001 of PRINCIPAL SUB COURT, PALAKKAD
RCP.9/1990 of MUNSIFF COURT, ALATHUR
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PETITIONER:

T.V.KURIAKOSE, S/O THANNIKKODAN VARKEY,
AGED 60 YEARS, PANDALAMPADAM,
PANNIYANKARA P.O., PALAKKAD DISTRICT.

BY ADV. SRI.P.N.KRISHNANKUTTY ACHAN(SR.)
SRI.K.MOHANAKANNAN

RESPONDENTS:
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1. MUHAMMED MOOSA, S/O AHMED RAWTHER,
CHEKKAMTHARA, MUDAPPALLOOR (P.O.),
ALATHUR TALUK, PALAKKAD DISTRICT.

2. M.A.NAZER, S/O MUHAMMED SAHIB,
TAJ MANZIL, KUZHALMANNAM, ALATHUR TALUK,
PALAKKAD DISTRICT.

3. T.V.POULOSE, HILL PRODUCE DEALER,
VADAKKANCHERY, PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 8877/07

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE COMMON JUDGMENT DATED 9.1.2007 IN CRP 994/02 OF THIS HON'BLE COURT.

EXT.P2 TRUE COPY OF THE DECREE IN O.S.NO.397/01 DATED 15.12.2001 ON THE FILE OF THE SUB COURT, PALAKKAD.

EXT.P3 TRUE COPY OF THE SALE SEED DATED EXECUTED BY THE 2ND RESPONDENT IN FAVOUR OF THE PETITIONER DATED 6.2.2007.

EXT.P4 TRUE COPY OF THE OBJECTION IN THE EXECUTION PROCEEDINGS IN E.P. 24/02 IN RCP NO.9/90 DT. 23.2.2007.

EXT.P5 TRUE COPY OF THE ORDER PASSED BY THE MUNSIFF'S COURT, ALATHUR IN E.P. 24/02 IN RCP NO.9/90 IN E.A. 69/07 DT. 27/2/07.

EXT.P6 TRUE COPY OF THE AFFIDAVIT AND PETITION IN I.A.NO.669/07 BEFORE THE SUB COURT, PALAKKAD IN O.S. 397/01 DT. 6.3.07.

EXT.P7 TRUE COPY of the AFFIDAVIT AND PETITION I.A. 670/07 BEFORE THE SUB COURT, PALAKKAD IN O.S. 397/01 DT. 6.3.07

P.R.Raman & Antony Dominic, JJ.
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W.P.(C)No.8877 of 2007
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Dated this the 20th day of March, 2007.

JUDGMENT

Raman,J.

This matter was not admitted and notice before admission was ordered and stay of taking delivery was granted for a period of one week. Service is completed. Learned counsel appearing for the first respondent raised preliminary objection regarding maintainability of the Writ Petition itself. It is contended that the petitioner has got effective alternative remedy under the statute under Section 14 of the Kerala Buildings (Lease and Rent Control) Act. There is force in this contention. Since the petitioner has got effective alternative remedy, we are not inclined to entertain this Writ Petition. However, in order to enable the writ petitioner to work out the remedies as provided under the statute, the interim order passed by this Court has to be extended.

Accordingly, the interim stay granted by this Court is extended by 10 days from today.

Subject to the above, this Writ Petition is dismissed.

P.R.Raman,
Judge.

Antony Dominic
Judge.

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